

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN AL BISHOP**, on March 12, 2001 at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Al Bishop, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Chris Christiaens (D)
Sen. Bob DePratu (R)
Sen. Eve Franklin (D)
Sen. Don Hargrove (R)
Sen. Dan Harrington (D)
Sen. Royal Johnson (R)
Sen. Jerry O'Neil (R)
Sen. Emily Stonington (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Jeanne Forrester, Committee Secretary
Susan Fox, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 582, 3/6/2001
Executive Action: HB 582; HJ 1; HB 510; SB 458;
HB 406

HEARING ON HB 582

Sponsor: REP. GAIL GUTSCHE, HD 66, MISSOULA

Proponents: Drew Dawson, DPHHS

Teresa Henry

Kathy McGowan, American Cancer Society

Wade Siberski

Opponents: None

Opening Statement by Sponsor:

REP. GAIL GUTSCHE, HD 66, MISSOULA introduced HB 582. She said this bill is an act requiring the Department of Public Health and Human Services (DPHHS) to provide a feasibility report to the legislature on the development of a chronic disease registry. She said the reason they want to do this is because there are a lot of chronic diseases that are on the rise.

Proponents' Testimony:

Drew Dawson, DPHHS said they were pleased to have worked on this bill. He said this is a very important thing to start looking at. He said it needs to be determined if there are ties between environmental links and chronic diseases. He felt this is a very good bill.

Teresa Henry asked the committee to support this bill. She said this is the first step in developing the feasibility study.

Kathy McGowan, American Cancer Society said they stand in strong support of this bill.

Wade Siberski asked the committee to pass this bill. He said he became interested in disease registries, when several members of his family developed cancer.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. ROYAL JOHNSON asked how this bill was going to be funded. **Mr. Davis** said they have looked at funding in their department and they would have some carry-over block grant money that can be used to fund it. They have visited with the Pugh Commission and they are reasonably sure they will get some funding from them.

SEN. EMILY STONINGTON asked what is the Pugh Environmental Health Commission. **REP. GUTSCHE** said they are out of the Johns Hopkins School of Hygiene and Public Health. She said she thought they were connected to the Pugh Foundation.

SEN. JERRY O'NEIL asked if the registries would list the names of the people. **REP. GUTSCHE** said the names would not be listed.

Closing by Sponsor:

REP. GAIL GUTSCHE said this is an important public health policy statement. She asked the committee to support this bill.

EXECUTIVE ACTION ON HB 582

Motion/Vote: **SEN. JOHNSON** moved that **HB 582 BE CONCURRED IN.**
Motion carried 10-0.

SEN. JOHNSON said he would carry the bill in the Senate.

EXECUTIVE ACTION ON HJ 1

SEN. STONINGTON moved the amendments on HJ 1 **EXHIBIT (phs56a01)**
HJ000101.asf.

Ms. Fox explained the amendments.

SEN. JOHNSON asked if the Mental Health Oversight Advisory Council (MHOAC) is made up of more citizens than legislators.

Ms. Fox said that is correct and the interim subcommittee would be comprised of only legislators.

SEN. DUANE GRIMES asked if there was enough work to keep the two interim committees busy. **Ms. Fox** said there is so much work, the committees will be very busy.

Motion/Vote: **SEN. STONINGTON** moved that **HJ 1 BE AMENDED.** **Motion carried 9-0.**

Motion/Vote: **SEN. JOHNSON** moved that **HJ 1 BE ADOPTED AS AMENDED.**
Motion carried 10-0.

SEN. STONINGTON will carry this bill in the Senate.

{Tape : 1; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON HB 510

SEN. BOB DEPRATU moved HB 510.

SEN. JOHNSON said he thought this was one of the very best bill he had heard. He said these are people who are trying to take care of their own children.

SEN. GRIMES said he did not think this action would violate the definition of nursing that is in the code. He said the code states standardized procedures in the maintenance of health, and this would be the maintenance of normal life activities. He added this definition of nursing doesn't exclude the j-tube and the g-tube feedings being done by parents and guardians.

SEN. EVE FRANKLIN said we must keep in mind there are fragile families out there. She added not all families are high functioning and are able to keep it together.

SEN. AL BISHOP asked if the nurses that do this have to be specially trained. **SEN. FRANKLIN** said it is a pretty standard procedure.

Motion/Vote: **SEN. JOHNSON** moved that **HB 510 BE CONCURRED IN.**
Motion carried 10-0.

SEN. DEPRATU will carry this bill in the Senate.

EXECUTIVE ACTION ON SB 458

SEN. CHRIS CHRISTIAENS moved the amendments **EXHIBIT**(phs56a02) SB045801.asf on SB 458.

Discussion:

Ms. Fox explained the amendments.

{Tape : 1; Side : B; Approx. Time Counter : 0}

SEN. JOHNSON asked a question about Amendment 20 of the amendments. He said the last sentence says "shall accept the referral". He asked what if that mental health center is not capable of handling that referral. **Ms. Fox** said the concept is the community mental health centers are the providers of last resort.

SEN. DAN HARRINGTON said after reading this, he was not sure who would have admitting privileges. **SEN. MIGNON WATERMAN** said they recognized after the hearing on this bill, that the judge has the right of final authority to admit someone.

SEN. CHRISTIAENS asked who would have admitting privileges. **Mr. Amberg** said what we have now is a term called mental health professionals. The law says in order to be a mental health professional, you must be a physician, that would include

surgeons, internists, etc. He said what they want to do is make sure those individuals who would have admitting privileges are more responsive to the public mental health system.

SEN. CHRISTIAENS said then you would determine by law, who would be a proper admitting individual. **Mr. Amberg** said yes that is correct.

SEN. CHRISTIAENS said as you narrow it down, who do you see as being given admitting privileges. **Mr. Amberg** said they would like to keep the admitting privileges with those people who are aligned with the community mental health centers.

SEN. FRANKLIN said she is disturbed this bill is coming out more restrictive than it went in. She felt we are adding an additional layer.

SEN. GRIMES said he would like to know why we would not presume that within a scope of certain occupations that those persons would have those privileges. **SEN. WATERMAN** said what they are trying to do is to have better communications with community mental health centers.

{Tape : 2; Side : A; Approx. Time Counter : 0}

SEN. O'NEIL said he was concerned if an individual wanted to commit himself, he would be turned away. **SEN. WATERMAN** said anyone who appears on the doorstep of Warm Springs would be admitted.

SEN. STONINGTON said she thought the original intent of this bill was to have control over who was admitted to the hospital; as well as containing costs. She wondered who is going to pay for this. **Mr. Amberg** said if they have to send someone to another medical hospital, the state hospital pays for the hospitalization.

SEN. FRANKLIN said she was concerned about the issue of "patient dumping". She was also concerned about the shifting of responsibility. She said she was aware the state hospital takes a huge load of other peoples "problem children". She expressed concern about narrowing a persons' access to the state hospital.

SEN. JOHNSON asked what exactly would this bill take care of.

SEN. FRANKLIN said she believed there is an issue of poor communication between the state hospital and local communities. The other issue is the state hospital gets inappropriate patients.

SEN. JOHNSON asked what would be different if this bill went through. Compared to what we do now. **Dr. Harr** said he did not see much of a difference if this bill were passed, compared to what is already being done.

SEN. CHRISTIAENS said this bill would clear up the sending of inappropriate patients to the state hospital - such as those patients with chemical dependency problems.

SEN. HARRINGTON said what this bill is doing is saying to the counties this is going to be your responsibility. He said St. James Hospital in Butte is going to get the brunt of these costs, because they are close to the state hospital. He also said he thought we have been down this road before.

SEN. GRIMES said that over the weekend someone was committed improperly to the state hospital. Was that because physician had inappropriately admitted this person? **Mr. Amberg** said he did not know who had been responsible for this person being admitted. He said we need to get these people (physicians/psychiatrists) together early on, not after the person has already arrived at the state hospital.

SEN. FRANKLIN asked how many people in each community would be allowed to admit patients to the state hospital. **Mr. Amberg** said currently anyone who is a licensed professional counselor can be a certified mental health professional. He said what they are trying to do is establish a new category within the scope of a professional person. He said they are not trying to add another layer to the system, they want people to be able to have access to community services.

{Tape : 2; Side : B; Approx. Time Counter : 0}

SEN. GRIMES said it seems like we have to do a lot in order in to facilitate some communication. He said in a small community, he does not want to exclude their choices from using the state hospital.

SEN. WATERMAN said if you look at the amendment on page 4, it states the department has to insure statewide access. She said what they are trying to do with this bill is to increase communications in the beginning when a person is being committed. Then at the end of the persons stay, they want to make sure the hospital has done a good job of connecting with those individuals in the home community.

SEN. GRIMES asked what happens if a small community receives a commitment and does not have the money to pay for the commitment.

SEN. WATERMAN said that community could consult with the people at the state hospital to look at options.

SEN. STONINGTON said she is concerned that only certain people will have admitting privileges. She said that seems to be very cumbersome. **Dr. Harr** said in Billings the Mental Health Center and the hospitals have good communication. He said there did not seem to be a communication problem in Billings, but he could not speak for other communities.

SEN. STONINGTON said if a mentally ill person is picked up and he has physical problems, and needs to be stabilized before he is admitted to the mental hospital, who pays for those expenses?

SEN. CHRISTIAENS said under the current law, the county is responsible. He said if you read the code, once a person has been committed, that person becomes the responsibility of the state hospital. **Mr. Amberg** said the county, by law is responsible for all pre-commitment costs.

SEN. GRIMES said he is going to support the amendment, with the caveat that these rules are individually tailored to the individual communities. He wondered if the state hospital had envisioned that kind of local authority. **Mr. Amberg** said he felt we need to make this as hassle-free as possible.

SEN. GRIMES asked if this bill allows for the counties to have rules that may differ from county to county. **SEN. WATERMAN** said it was certainly her intention to have reasonable access statewide. **Ms. Fox** said she thought it was best to put in law what you want.

Substitute Motion/Vote: **SEN. CHRISTIAENS** moved **TO SEGREGATE AMENDMENT 20 FROM THE AMENDMENTS**. Motion carried 10-0.

Vote: Motion that **SB 458 BE AMENDED** failed 4-6 with Christiaens, DePratu, Grimes, and O'Neil voting aye.

SEN. GRIMES suggested they defer any action on SB 458 until Wednesday, March 14, 2001.

Motion/Vote: **SEN. FRANKLIN** moved that **SB 458 BE TABLED**. Motion carried 8-2 with Christiaens and Grimes voting no.

EXECUTIVE ACTION ON HB 406

Ms. Fox passed out the amendments that dealt with MEWA's **EXHIBIT** (phs56a03) SB040603.asf.

SEN. GRIMES said the amendments simply pull out the MEWA's, as defined under ERISA.

Motion/Vote: **SEN. GRIMES** moved that **HB 406 BE AMENDED SB040603.asf**. Motion carried 8-1 with Johnson voting no.

Ms. Fox said the sponsor of the bill had another amendment **EXHIBIT (phs56a04) SB040602.asf**.

Motion/Vote: **SEN. HARGROVE** moved that **HB 406 BE AMENDED SB040602.asf**. Motion carried 9-0.

Motion/Vote: **SEN. GRIMES** moved that **HB 406 BE CONCURRED IN AS AMENDED**. Motion carried 8-1 with O'Neil voting no.

SEN. JOHNSON will carry this bill in the Senate.

ADJOURNMENT

Adjournment: 5:25 P.M.

SEN. AL BISHOP, Chairman

JEANNE FORRESTER, Secretary

AB/JF

EXHIBIT (phs56aad)